

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 09-57608

ALAN W. PATTERSON, *pro se*,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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ORDER DENYING MOTION FOR RECONSIDERATION

This case comes before the Court on a letter from Debtor dated July 14, 2009, filed on July 15, 2009 (Docket # 29, the “Motion”), which this Court construes as a motion for reconsideration of the June 19, 2009 Order dismissing this case (Docket # 21).

The Court has reviewed and considered the Motion, and finds that the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

Additionally, the Court notes that the Debtor is not eligible to be a debtor in this case under 11 U.S.C. § 109(h)(1). That provision provides in relevant part, that

an individual may not be a debtor under this title unless such individual has, during the 180-day period preceding the date of filing the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

Debtor filed a voluntary petition for relief under Chapter 7 on June 3, 2009. On July 15, 2009, Debtor filed a “Certificate of Counseling” (Docket # 26), which states that on July 2, 2009, Debtor received “an individual [or group] briefing (including a briefing conducted by telephone

or on the Internet) that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.” Thus, Debtor only received credit counseling *after* his petition was filed. With exceptions not applicable here, 11 U.S.C. § 109(h)(1) requires a debtor to obtain credit counseling *before* filing a bankruptcy petition.

For these reasons,

IT IS ORDERED that the Motion (Docket # 29), is DENIED.

Signed on July 19, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge